

REMARKS

Claims 1-6 are pending in this application. By this Amendment, claims 1 and 4 are amended. Support for the Amendment to claim 1 can be found at least at paragraph [0064]. Claim 4 is amended to correct a minor informality as suggested by the Office Action.

The Office Action rejects claims 1-3 under 35 U.S.C. §103(a) over U.S. Patent No. 6,472,094 to Nonoyama et al. (hereinafter "Nonoyama"). This rejection is respectfully traversed.

Nonoyama fails to disclose, teach or even suggest, a discharger dispersing a first gas channel defining material as liquid droplets, as recited in claim 1. Nonoyama describes a fuel cell separator and a method of making the same; comprising projections 24g and a die mold apparatus. The Office Action alleges projections 24g and the die molding apparatus are equivalent to the claimed first gas channel defining material and discharger, respectively. However, the die molding apparatus (alleged discharger) is not dispersing the projections 24g (alleged first gas channel defining material) as liquid droplets. Thus, the die molding apparatus cannot reasonably be considered to be equivalent to the claimed discharger.

Therefore, it is respectfully submitted that claim 1 is patentable over Nonoyama. Further, it is respectfully submitted that claims 2 and 3 are patentable at least in view of the patentability of claim 1, from which they depend, as well as for the additional features they recite. Accordingly, it is respectfully requested that the rejection be withdrawn.

The Office Action rejects claims 1, 2 and 4 under 35 U.S.C. §103(a) over U.S. Patent No. 5,798,188 to Mukohyama et al. (hereinafter "Mukohyama"). This rejection is respectfully traversed.

Mukohyama fails to disclose, teach or even suggest all of the claimed method steps, as recited in claim 1. For example, Mukohyama fails to disclose defining gas channels by gas

channel defining layers made of coatings formed by a first gas channel defining material onto at least one of a first substrate and a second substrate using a discharger.

Mukohyama describes a polymer electrolyte membrane fuel cell comprising a film 4 and an injection molding apparatus. The Office Action alleges film 4 and the injection molding apparatus are equivalent to the claimed channel defining material and discharger, respectively. The Office Action also admits Mukohyama fails to disclose the use of two substrates and the steps of forming electrode layers, current collecting layers and an electrolyte. However, the Office Action alleges the invention as a whole would have been obvious to one having ordinary skill in the art at the time of the invention because it would have been obvious to use a second separator for stacking, and to form components in a conventional fuel cell.

With respect to claim 1, Applicant respectfully submits that Mukohyama at least fails to disclose defining gas channels by gas channel defining layers made of coatings formed by applying a first gas channel defining material onto at least one of a first substrate and a second substrate using a discharger. Additionally, the injection molding apparatus of Mukohyama does not disperse a first gas channel defining material as liquid droplets. Further, Mukohyama makes no suggestion of modifying the system to include a second separator. For at least these reasons, Mukohyama fails to disclose all of the steps of claim 1.

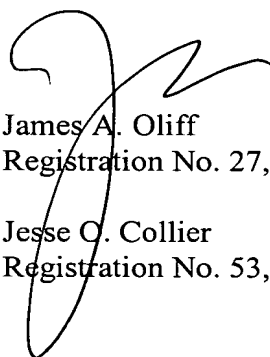
Therefore, it is respectfully submitted that claim 1 is patentable over Mukohyama. Further, it is respectfully submitted that claims 2 and 4 are patentable at least in view of the patentability of claim 1, from which they depend, as well as for the additional features they recite. For example, Mukohyama fails to disclose forming coatings by repeatedly applying a first gas channel defining material using a discharger at regular intervals, as recited in claim 2. Accordingly, it is respectfully requested that the rejection be withdrawn.

The Office Action provisionally rejects claims 1-4 on the ground of nonstatutory obvious-type double patenting over the claims of Copending Application Nos. 10/780,737 and 10/781,752. Since this is a provisional rejection, Applicant reserves the right to traverse this rejection if and when the copending application is allowed.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-6 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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